IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.7150 OF 2005

Rohan Kan Daswami Rajaya .. Applicant

Versus

State of Maharashtra & Anr. .. Respondents

Mr.Rishi Bhuta for applicant

Mr.C.S.Tatkare, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 17th November 2005.

P.C.

. The applicant is aggrieved by the refusal of discretion of the Court below under section 437(6) of Cr.P.C. Plain reading of the said

provision indicates that the applicant is entitled to bail unless for reasons recorded in writing the Magistrate otherwise directs. In other words, a direction otherwise would be issued, albeit of course, for reasons to be recorded in writing.

2. It is not necessary to pass a detailed order in the facts and circumstances of the present case because, the Magistrate has assigned reasons in para 5 of his order which have been accepted by the Sessions Court in revision. While it is true that the applicant seeking relief under this provision need not be directed in all cases that the order sheet/ roznama and other details be provided, yet, in the facts and circumstances of the present case, it is not necessary to interfere and direct release of applicant under the aforesaid powers.

3. I am informed by learned Counsel

appearing for parties that nearly 16 witnesses have been examined. The trial court was directed to complete the trial by 31st August 2005. Reasons assigned by the Magistrate of the case being transferred to him in February 2005, are sound enough for refusing to exercise the discretion in September 2005. However, in case the trial is not concluded before 31st January 2006, it would be open for the applicant to invoke the powers of the Court below under section 437(6) once again. Needless to state that if such application is made, the Court below shall consider the same, uninfluenced by the observations and findings in the earlier order.

(S.C.DHARMADHIKARI, J)